

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAVERN CHARLES FASTHORSE,

Case No.: 2:19-cv-00511-APG-PAL

Petitioner,

V.

ORDER

JERRY HOWELL, et. al,

Respondents.

Petitioner Lavern Charles Fasthorse has submitted a petition for writ of habeas corpus
28 U.S.C. § 2254. ECF No. 1-1.

10 The matter has not been properly commenced, however, because Fasthorse has not filed a
11 motion for leave to proceed *in forma pauperis* or paid the required filed fee (\$5.00). *See* 28
12 U.S.C. § 1915(a)(2); Local Rule LSR 1-1 and 1-2. Consequently, the present action will be
13 dismissed. Reasonable jurists would not find my conclusions to be debatable or wrong, so I will
14 not issue a certificate of appealability.

I also note that the habeas petition contains no discernible factual allegations cognizable in federal court as grounds for relief. Instead, the “grounds” in the petition are a barely coherent assemblage of statements (interspersed with clearly irrelevant comments) wherein Fasthorse appears to be claiming, among other things, he was convicted of theft when the transaction in question was actually a loan. In any case, I will not entertain Fasthorse’s efforts to obtain habeas relief until he files a properly-commenced proceeding that includes either payment of the filing fee or a complete application to proceed *in forma pauperis* establishing that payment of the filing fee should be excused.

1 IT THEREFORE IS ORDERED that this action is DISMISSED without prejudice to the
2 filing of a new petition in a new action in the manner described above.

3 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of
4 reason would not find my dismissal of this improperly commenced action without prejudice to be
5 debatable or incorrect.

6 IT FURTHER IS ORDERED that the Clerk shall send the petitioner two copies each of
7 an application form to proceed in forma pauperis for incarcerated persons and a noncapital
8 Section 2254 habeas petition form, one copy of the instructions for each form, and a copy of the
9 papers that he submitted in this action.

10 IT FURTHER IS ORDERED that the Clerk of Court shall enter judgment accordingly
11 and close this case.

12 Dated: April 22, 2019.

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15 ANDREW P. GORDON
16 UNITED STATES DISTRICT JUDGE
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